

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Midway Colony INC
PO Box 582
Conrad, MT 59425

2. Type of action: Application to Change a Water Right No. 41O 30149179 (Original water right that is changing: 41O 30000571)

3. Water source name: All proposed changes obtain groundwater from a wellfield completed in an aquifer of the Teton River system.

4. Location affected by project: The applicant proposes to change the place of use and add an additional point of diversion for water right 41O 30000571. The additional Point of Diversion is located at: NWNESE T 27N 03W Section 29 Pondera County. The change reduces garden and shelter belt irrigation from the original 32.00 acres (80.0 AF) to 13.84 acres (34.6 AF). This application clarifies the size of the permitted reservoir at 3.1 surface acres, an increase from 2.1 acres described in the project completion. This application is also adding mitigation purposes at POD/POU in SENE & NESE Section 8, T26N, R3W, Teton County.

Location: Section 29 27N 3W Pondera County; Section 8 26N 3W Teton County

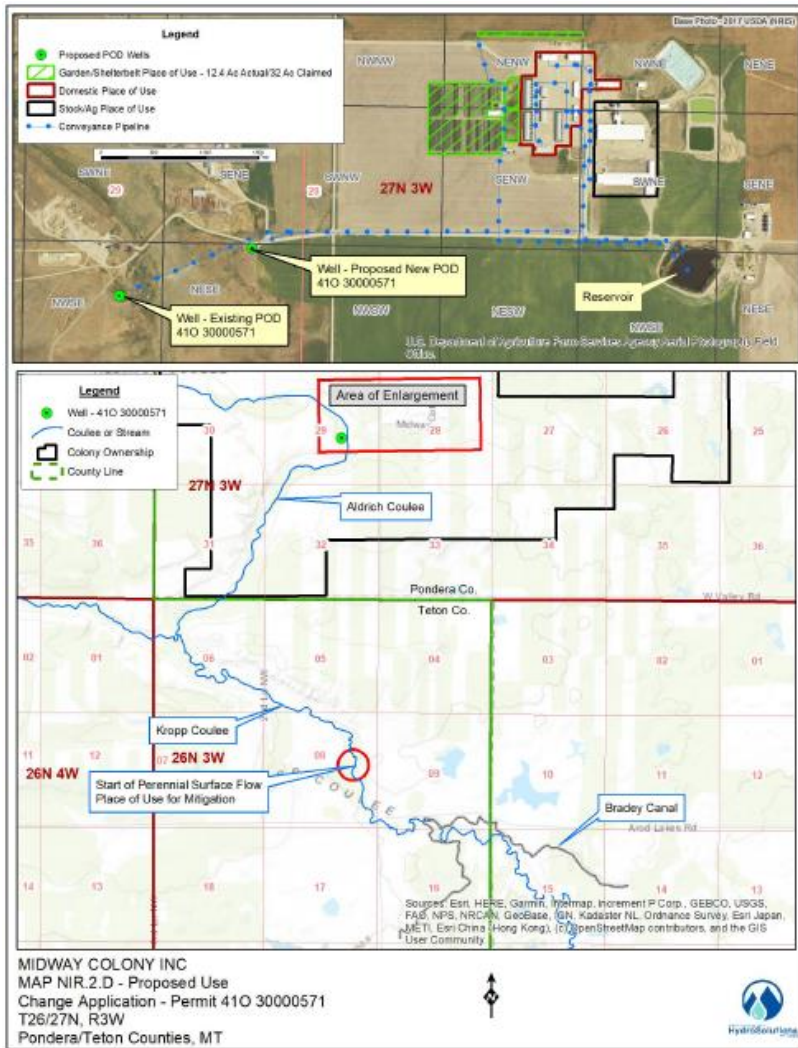


Figure 1: Proposed use Map for Change Application 410 30149179 Midway Colony

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met. Midway Colony proposes to add a point of diversion and POD/POU for mitigation for existing claim 410 30000571. The general proposed POU / POD is Section 29 27N 3W Pondera County; Section 8 26N 3W Teton County.

6. Agencies consulted during preparation of the Environmental Assessment:

Natural Heritage Program, Natural Resources Conservation Service Soils Data Website, Department of Environmental Quality, National Wetlands Inventory Website, and the Natural Resources Information System, the Department of Fish, Wildlife, & Parks.

Part II. Environmental Review
Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - The Teton River has been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks.

Determination: Impact to water quantity is expected.

Water quality - The Department of Environmental Quality (DEQ) does list the Teton River as water quality impaired or threatened. DEQ identifies the Teton River as fully supporting for agricultural, drinking water, and recreation in certain areas. The Teton River does not support aquatic life. The probable causes of the impaired listing are agriculture, infrastructure, and lack of riparian barriers. The proposed project will not adversely affect water quality.

Determination: No significant impact.

Groundwater - The wellfield will be operated according to historical consumptive volumes and the historical flow rate.

Determination: No significant impact

DIVERSION WORKS

The wellfield is currently in operation and changes are not expected for the diversion works.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species

Below is a list of animal species of concern found in 27N 3W, Pondera County. There were no plant species of concern identified. The project is not located in Sage Grouse habitat. There is one species that is listed as a G5 and there are two species found in the area of interest is listed as G4. The following definitions are taken from the Montana Natural Heritage Program (MNHP). The G5 category defines a species as “Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.” The G4 category defines a species as “Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.” The Grizzly Bear, American White Pelican, and the Common Tern will not be impacted by the project. Threats associated with these species that are of concern is disturbance to their habitat in conifer forested regions. This project will not affect any of the listed animal’s habitats.

MAMMALS (MAMMALIA)											1 SPECIES
											TOWNSHIP = 026N003W (based on mapped Species Occurrences)
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	FWP SNAP	% OF GLOBAL BREEDING RANGE IN		HABITAT	
								MT	% OF MT THAT IS BREEDING RANGE		
<i>Ursus arctos</i> Grizzly Bear	Ursidae Bears	G4	S2S3	PS: L7, XN	Threatened on Forests (B0, CG, HLC, M00T, L0LO)	THREATENED	SGOQ-3	1%	22%	Conifer forest	
Species Occurrences verified in these Counties: Beaverhead, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Park, Pondera, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Wheatland, Yellowstone											
BIRDS (AVES)											2 SPECIES
											TOWNSHIP = 026N003W (based on mapped Species Occurrences)
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	FWP SNAP	% OF GLOBAL BREEDING RANGE IN		HABITAT	
								MT	% OF MT THAT IS BREEDING RANGE		
<i>Pelecanus erythrorhynchos</i> American White Pelican	Pelecanidae Pelicans	G4	S3B	MBTA			SGOQ	6%	1%	Lakes, ponds, reservoirs	
Species Occurrences verified in these Counties: Broadwater, Phillips, Pondera, Roosevelt, Sheridan, Teton											
State Rank Reason: American White Pelicans breed at five sites in Montana. Due to limited distribution of breeding sites, the species is potentially at risk of declines.											
<i>Sterna hirundo</i> Common Tern	Laridae Gulls / Terns	G5	S3B	MBTA		SENSITIVE	SGOQ	5%	50%	Large rivers, lakes	
Species Occurrences verified in these Counties: Blaine, Broadwater, Cascade, Chouteau, Daniels, Flathead, Hill, Lake, McCone, Petroleum, Phillips, Roosevelt, Sheridan, Teton, Valley											

Figure 2: Animal Species of Concern Located in Section 29 27N 3W Pondera County; Section 8 26N 3W Teton County.

Determination: No significant impact.

Wetlands – The project does not involve wetlands.

Determination: Assessment is not applicable.

Ponds - The project does not involve ponds.

Determination: Assessment is not applicable.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE

The Natural Resources Conservation Service (NRCS) Web Soil Survey was utilized to assess the project area's soils. The soil map below depicts the general project area, and the table provides soil unit information.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15B	Crago gravelly loam, 0 to 4 percent slopes	74.6	11.2%
15C	Crago gravelly loam, 4 to 8 percent slopes	31.6	4.7%
39B	Ethridge silty clay loam, 0 to 4 percent slopes	37.7	5.6%
114A	Gerdrum-Absher clay loams, 0 to 2 percent slopes	41.4	6.2%
137B	Creed-Absher complex, 0 to 4 percent slopes	10.4	1.6%
163C	Kevin-Hillon clay loams, 2 to 8 percent slopes	33.4	5.0%
163D	Hillon-Kevin clay loams, 4 to 15 percent slopes	22.1	3.3%
164B	Scobey-Kevin clay loams, 0 to 4 percent slopes	85.5	12.8%
223D	Rothiemay-Crago complex, 4 to	11.8	1.8%

230B	Niart-Crago gravelly loams, 0 to 4 percent slopes	62.2	9.3%
230C	Niart-Crago gravelly loams, 4 to 8 percent slopes	55.7	8.3%
250B	Nunemaker silty clay loam, 0 to 4 percent slopes	0.8	0.1%
263C	Scobey-Kevin clay loams, 2 to 8 percent slopes	24.8	3.7%
330B	Niart gravelly loam, 0 to 4 percent slopes	29.4	4.4%
477C	Marmarth-Evanston-Delpoint complex, 2 to 15 percent slopes	5.8	0.9%
540B	Marvan silty clay, wet, 0 to 4 percent slopes	108.4	16.2%
576F	Delpoint-Cabbart-Crago complex, 15 to 60 percent slopes	21.2	3.2%
623D	Rothiemay-Delpoint gravelly clay loams, 8 to 15 percent slopes	10.9	1.6%
Totals for Area of		667.7	100.0%

Figure 3: Web Soil Survey of Soil Types in Section 29 27N 3W Pondera County

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3B	Lardell silty clay loam, 0 to 4 percent slopes	22.3	3.4%
61F	Hillon clay loam, 15 to 60 percent slopes	17.6	2.7%
114A	Gerdrum-Absher clay loams, 0 to 2 percent slopes	18.6	2.8%
162C	<u>Telstad-Joplin loams, 2 to 8 percent slopes</u>	62.9	9.6%
163C	Kevin-Hillon clay loams, 2 to 8 percent slopes	13.0	2.0%
164B	Scobey-Kevin clay loams, 0 to 4 percent slopes	179.7	27.5%
165B	Telstad-Joplin loams, 0 to 4 percent slopes	10.2	1.6%
214A	Absher clay loam, wet, 0 to 2 percent slopes	7.1	1.1%
216C	Attewan-Wabek complex, 0 to 8 percent slopes	206.3	31.6%

250B	Nunemaker silty clay loam, 0 to 4 percent slopes	36.0	5.5%
263C	Scobey-Kevin clay loams, 2 to 8 percent slopes	46.7	7.2%
264B	Scobey-Acel complex, 0 to 4 percent slopes	10.8	1.7%
400	Havre-Fairway loams, 0 to 4 percent slopes, rarely flooded	8.5	1.3%
540B	Marvan silty clay, wet, 0 to 4 percent slopes	12.5	1.9%
Totals for Area of Interest		652.2	100.0%

Figure 4: Web Soil Survey of Soil Types in Section 8 26N 3W Teton County





Figure 6: Map of Web Soil Survey Soil Types in Section 8 26N 3W Teton County

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Any impacts to existing vegetation will be within the range of current disturbances due to current land use practices. Noxious weeds are not expected to be established or spread due to the proposed project.

Determination: No significant impact.

AIR QUALITY - The project does not involve air quality.

Determination: Assessment is not applicable.

HISTORICAL AND ARCHEOLOGICAL SITES - The project does not involve historical and archeological sites.

Determination: Assessment is not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – There are no other environmental issues that need to be addressed.

Determination: No additional environmental impacts were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - No local environmental plans and goals were identified.

Determination: No impact to local environmental plans and goals is expected.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - No recreational or wilderness activities were identified.

Determination: No impact to recreational and wilderness activities is expected.

HUMAN HEALTH - No human health issues were identified.

Determination: No impact to human health is expected.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No **X** If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact to private property rights.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

(a) Cultural uniqueness and diversity? No impact.

(b) Local and state tax base and tax revenues? No impact.

- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.
- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No secondary impacts were identified.

Cumulative Impacts No cumulative impacts were identified.

3. *Describe any mitigation/stipulation measures:* No mitigation or stipulation measures exist at this moment

Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:

No action alternative: The Applicant would not be able to develop the project as proposed.

4.

PART III. Conclusion

1. *Preferred Alternative* Proposed action.

2 *Comments and Responses* None to date.

3. *Finding:*

Yes ___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of assessment for the proposed action because no impacts have been identified in the EA.

Name of person(s) responsible for preparation of EA:

Name: Megan Blauwkamp

Title: Water Resources Specialist

Date: 9/8/2021